

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 SURGICAL INSTRUMENT SERVICE  
6 COMPANY, INC.,

*Plaintiff,*

7 v.

8 INTUITIVE SURGICAL, INC.,

*Defendant.*

Case No. 3:21-cv-03496-AMO

**[PROPOSED] AMENDED ORDER  
ON JOINT ADMINISTRATIVE  
MOTION TO CONSIDER  
WHETHER ANOTHER PARTY'S  
MATERIAL SHOULD BE SEALED  
PURSUANT TO CIVIL LOCAL  
RULE 79-5(f)**

The Honorable Araceli Martínez-Olguín

Having considered the Joint Administrative Motion to Consider Whether Another Party's Material Should Be Sealed, IT IS HEREBY ORDERED that the following exhibits and deposition testimony shall be sealed at trial.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
TX0210 (AHP000526 – AHP000537)	N/A	341-2	366	Alliance Healthcare Partners		510(k)	GRANTED.
TX0211 (AHP000521 – AHP000523)	N/A	341-3	366	Alliance Healthcare Partners		510(k)	GRANTED.
TX0212 (AHP002130 – AHP002140)	N/A	341-4	366	Alliance Healthcare Partners		510(k)	GRANTED.
TX0334 (AHP000527 – AHP000537)	N/A	341-5	366	Alliance Healthcare Partners		510(k)	GRANTED.
TX1302 (AHP000369 – AHP000372)	N/A	341-6	366	Alliance Healthcare Partners		510(k)	GRANTED.
TX1303 (AHP000853 – AHP000930)	N/A	341-7	366	Alliance Healthcare Partners		510(k)	GRANTED.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
TX1304 (AHP002062 – AHP002067)	N/A	341-8	366	Alliance Healthcare Partners		510(k)	GRANTED.
TX1305 (AHP002623 – AHP002624)	N/A	341-9	366	Alliance Healthcare Partners		510(k)	GRANTED.
Deposition Transcript of Rick Ferreira, taken on 11/10/2022	N/A	341-10	366	Alliance Healthcare Partners	Partial (pages 100:1 2- 103:1 8, 150:1 - 151:1 8, 159:2 1- 165:2 5, 169:2 2- 179:1 )	510(k)	GRANTED.
Deposition Transcript of Todd Pope, taken on 4/30/2021	N/A	341-11		Asensus Surgical			DENIED as unsupported. See Gallo Decl. (ECF 373-2) ¶ 4.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
TX1309 (CMR-00000001 – CMR-00000169)	N/A	341-12	364	CMR Surgical		Proprietary Business Information	GRANTED.
TX1310 (CMR-00000229 – CMR-00000255)	N/A	341-13	364	CMR Surgical		Proprietary Business Information	GRANTED.
TX0012 (FRANCISCAN -00055639 – FRANCISCAN-00055648)	N/A	341-14		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0188 (FRANCISCAN -00051195)	N/A	341-15		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0194 (FRANCISCAN -00050721 – FRANCISCAN-00050759)	N/A	341-16		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0195 (FRANCISCAN -00050821 – FRANCISCAN-00050823)	N/A	341-17		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
TX0204 (FRANCISCAN -00050811 – FRANCISCAN-00050814)	N/A	341-18		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0205 (FRANCISCAN -00050796 – FRANCISCAN-00050810)	N/A	341-19		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0206 (FRANCISCAN -00055468 – FRANCISCAN-00055531)	N/A	341-20		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0376 (FRANCISCAN -00056312 – FRANCISCAN-00056338)	N/A	341-21		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX1634.415 (FRANCISCAN -00000423 – FRANCISCAN-00000427)	N/A	341-22		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
Deposition Transcript of John Francis,	N/A	341-23		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
taken on 10/14/2022							Decl. (ECF 373-2) ¶ 5.
Deposition Transcript of Dipen Maun, taken on 11/8/2022	N/A	341-24		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
Deposition Transcript of Paul Plomin, taken on 11/8/2022	N/A	341-25		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
Deposition Transcript of Judith Schimmel, taken on 9/22/2022	N/A	341-26		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
Deposition Transcript of Judith Schimmel, taken on 11/16/2022	N/A	341-27		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
Deposition Transcript of Michael Shepherd, taken on 11/4/2022	N/A	341-28		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
Deposition Transcript of Karen Waninger, taken on 10/6/2022	N/A	341-29		Franciscan Health			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX1684 (STRREB00000 259)	N/A	341-30	362	Stryker		Due Diligence Reports / Proprietary Business Information	GRANTED.
TX1685 (STRREB00000 260 – STRREB000002 73)	N/A	341-31	362	Stryker		Due Diligence Reports / Proprietary Business Information	GRANTED.
TX0054 (VMC-00014375 – VMC-00014380)	N/A	341-32		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0056 (VMC-00015993 – VMC-00016060)	N/A	341-33		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0106 (VMC-00021270 – VMC-00021281)	N/A	341-34		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
							Decl. (ECF 373-2) ¶ 5.
TX0108 (VMC-00021465 – VMC-00021494)	N/A	341-35		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0109 (VMC-00020868 – VMC-00020879)	N/A	341-36		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0111 (VMC-00025581 – VMC-00025588)	N/A	341-37		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0112 (VMC-00020543 – VMC-00020548)	N/A	341-38		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0113 (VMC-00020649 – VMC-00020666)	N/A	341-39		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.



Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
TX0115 (VMC-00018344 – VMC-00018376)	N/A	341-40		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0116 (VMC-00060616 – VMC-00060622)	N/A	341-41		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
Deposition Transcript of Greta Bernier, taken on 11/7/2022	N/A	341-42		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
Deposition Transcript of Michael Burke, taken on 9/27/2022	N/A	341-43		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
Deposition Transcript of Elizabeth Nolan, taken on 11/10/2022	N/A	341-44		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
Deposition Transcript of Richard Teal, taken on 11/18/2022	N/A	341-45		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
Deposition Transcript of Todd Thomas, taken on 11/10/2022	N/A	341-46		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
Deposition Transcript of John Wagner, taken on 10/11/2022	N/A	341-47		Valley Medical Center			DENIED as unsupported. <i>See</i> Gallo Decl. (ECF 373-2) ¶ 5.
TX0121 (Restore-00094918 – Restore-00094956)	N/A	341-48	367	Restore Robotics		Business Plans	GRANTED.
TX0155 (Restore-00091199 – Restore-00091206)	N/A	341-49	367	Restore Robotics		Research Processes	GRANTED.
TX0209 (Restore-00086907 –	N/A	341-50	367	Restore Robotics		510(k)	GRANTED.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
Restore-00087400)							
TX0213 (Restore-00087401 – Restore-00089715)	N/A	341-51; 341-52; 341-53	367	Restore Robotics		510(k)	GRANTED.
TX0214 (Restore-00096294 – Restore-00096295)	N/A	341-54	367	Restore Robotics		510(k)	GRANTED.
TX0215 (Restore-00104982 – Restore-00104988)	N/A	341-55	367	Restore Robotics		510(k)	GRANTED.
TX0217 (Restore-00112413 – Restore-00112164)	N/A	341-56	367	Restore Robotics		510(k)	GRANTED.
TX0220 (Restore-00091435 – Restore-00091441)	N/A	341-57	367	Restore Robotics		510(k)	GRANTED.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
TX0841 (Restore-00086093 – Restore-00086120)	N/A	341-58	367	Restore Robotics		510(k)	GRANTED.
TX0842 (Restore-00089490 – Restore-00089503)	N/A	341-59	367	Restore Robotics		510(k)	GRANTED.
TX0843 (Restore-00112674 – Restore-00112705)	N/A	341-60	367	Restore Robotics		510(k)	GRANTED.
TX1457 (Restore-00001538 – Restore-00001578)	N/A	341-61	367	Restore Robotics		Production Methods	GRANTED.
TX1462 (Restore-00007938 – Restore-00007980)	N/A	341-62	367	Restore Robotics		Production Methods	GRANTED.
TX1463 (Restore-00009029 –	N/A	341-63	367	Restore Robotics		Business Plans	GRANTED.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
Restore-00009032)							
TX1471 (Restore-00060361 – Restore-00060386)	N/A	341-64	367	Restore Robotics		Production Methods	GRANTED.
TX1474 (Restore-00064505; Restore-00064530)	N/A	341-65	367	Restore Robotics		Business Plans	GRANTED.
TX1477 (Restore-00086959 – Restore-00087133)	N/A	341-66	367	Restore Robotics		Production Methods	GRANTED.
TX1478 (Restore-00090136 – Restore-00090171)	N/A	341-67	367	Restore Robotics		510(k)	GRANTED.
TX1479 (Restore-00091502 – Restore-00091531)	N/A	341-68	367	Restore Robotics		510(k)	GRANTED.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
TX1483 (Restore-00095136 – Restore-00095139)	N/A	341-69	367	Restore Robotics		Research Processes	GRANTED.
TX1485 (Restore-00095403 – Restore-00095480)	N/A	341-70	367	Restore Robotics		510(k)	GRANTED.
TX1486 (Restore-00095711 – Restore-00095978)	N/A	341-71	367	Restore Robotics		510(k)	GRANTED.
TX1487 (Restore-00096308 – Restore-00096313)	N/A	341-72	367	Restore Robotics		510(k)	GRANTED.
TX1488 (Restore-00106446 – Restore-00106617)	N/A	341-73	367	Restore Robotics		510(k)	GRANTED.
TX1489 (Restore-00109056 –	N/A	341-74	367	Restore Robotics		510(k)	GRANTED.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/Denied (leave blank)
Restore-00109065)							
TX1490 (Restore-001132582 – Restore-00132592)	N/A	341-75	367	Restore Robotics		510(k)	GRANTED.
TX1494 (Restore-00094567 – Restore-00094586)	N/A	341-76	367	Restore Robotics		Business Plans	GRANTED.
TX1635.014 (Restore-00025577 – Restore-00025584)	N/A	341-77	367	Restore Robotics		Business Reputation	GRANTED.
Deposition Transcript of Kevin May, taken on 11/3/2022	N/A	341-78	367	Restore Robotics	Partial (pages 48:10-52:3, 53:14-55:2, 88:7-89:25, 94:7-97:3)	Research Processes	GRANTED.

Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
Deposition Transcript of Clifton Parker, taken on 10/25/2022	N/A	341-79	367	Restore Robotics	Partial (pages 55:13-56:7, 74:13, 92:15, 93:6, 94:6, 94:9, 95:19, 95:24, 96:10, 96:20, 96:21, 100:5, 100:19, 100:20, 101:2-103:8, 110:17, 134:12, 136:15, 139:6, 141:7, 144:6-144:22, 171:2, 171:15, 171:7,	Vendor Relationships and Internal Finances	GRANTED.



Document title or Description	Dkt. No. of Sealed Version	Dkt. No. of unsealed version	Dkt. No. of decl. in support of sealing	Party with burden to substantiate need to seal	Full or partial sealing sought	Brief statement of reason for sealing (with citation to corresponding declaration in support of sealing)	Granted/ Denied (leave blank)
					171:20)		
TX0764 (REBOTIX019132 – REBOTIX019209)	N/A		361	Rebotix Repair		Proprietary Business Information	GRANTED.
TX1413 (REBOTIX020786 – REBOTIX020787)	N/A		361	Rebotix Repair		Proprietary Business Information	GRANTED.
TX1446 (REBOTIX169168 – REBOTIX169359)	N/A		361	Rebotix Repair		Proprietary Business Information	GRANTED.

Due to technological constraints, materials sealed in accordance with this list must be published to witnesses, jurors, and the Court in paper copy at trial.

**IT IS SO ORDERED.**

Dated: January 3, 2025

By: 

**ARACELI MARTÍNEZ-OLGUÍN**  
United States District Judge